



Crl.O.P.(MD)No.16820 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.16820 of 2022

and

Crl.M.P.(MD)No.11256 of 2022

- 1.Mookammal @ Arunachalavadivu
- 2.Tyson
- 3.Melwin
- 4.Gnana Alwin

... Petitioners

Vs.

- 1.The State re.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi, Tenkasi District.

- 2.G.Jeyaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the FIR in connection with Crime No.02 of 2022 dated 02.01.2022 on the file of the Inspector of Police, Alangulam Police Station, Tenkasi, Tenkasi District and quash the same forthwith.

For Petitioners : Mr.B.Jeyakumar

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.



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For R2

: No Appearance

ORDER

This Criminal Original Petition has been filed to quash the first information report in Crime No.02 of 2022 dated 02.01.2022 on the file of the Inspector of Police, Alangulam Police Station, Tenkasi, Tenkasi District.

2.The case of the prosecution is that the first petitioner is the mother of the other three petitioners. Husband of the first petitioner is the brother of the defacto complainant. The defacto complainant gave a sum of Rs.2,95,000/- to the husband of the first petitioner for the marriage of their daughter. Thereafter, the husband of the first petitioner died. The defacto complainant is an onion merchant in Pune, Maharashtra and he sent onions to the petitioners worth about Rs.8,91,709/-who were vegetables merchants in Alangulam, but the petitioners returned only Rs.34,500/- and still a sum of Rs.11,52,209/- has to be settled to the defacto complainant. When the defacto complainant, demanded the money, the petitioners abused him in filthy language and also threatened him with dire consequences. Hence, the



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second respondent filed a complaint before the first respondent Police, based on which, a case in Cr.No.2 of 2022 was registered for the offences punishable under Sections 294(b), 406, 420, 506(i) IPC. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are close relatives. The allegations levelled in the complaint are purely civil in nature and there is no ingredients to attract the alleged offences. Accordingly, he prayed to quash the impugned FIR.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped in the petitioners, it is needless to state that action against them should be



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dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

6.In the result, this criminal original petition is dismissed.
Consequently, connected miscellaneous petition is closed.

07.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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To

- 1.The Inspector of Police,
Alangulam Police Station,
Tenkasi,
Tenkasi District.

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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